

IN THE UNITED STATES RECEIVING OFFICE

Applicant : Samuel J. Shuster et al.
Serial No. : 10/500,449
Filed : June 29, 2004
Title : METHODS AND MATERIALS FOR MODULATING P2X2

MAIL STOP PCT

Attention of the Office of PCT Legal Administration

Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.47(a)

This is a Request for Reconsideration of the Decision on Petition mailed February 16, 2005 in the above-referenced application. Please find attached a Supplemental Declaration by Agent of Record.

No additional petition fee is required according to page 3 of the Decision on Petition. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: May 2, 2005

M. Angela Parsons
M. Angela Parsons, Ph.D.
Reg. No. 44,282

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 2, 2005

Date of Deposit

Jill Huso
Signature

Jill Huso

Typed or Printed Name of Person Signing Certificate

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SUPPLEMENTAL DECLARATION BY AGENT OF RECORD IN
SUPPORT OF THE PETITION UNDER 37 CFR §1.47(a)

I, M. Angela Parsons, declare as follows:

1. I have been a Registered Patent Agent for almost 7 years. I have been a Technology Specialist with Fish & Richardson, P.C., P.A. for 5½ years. My business address is 3300 Dain Rauscher Plaza, 60 South Sixth Street, Minneapolis, MN 55402. I am the Agent of record in the above-referenced application.

2. The above-referenced National Phase application names Samuel J. Shuster, Laura S. Stone, Hong-Yan Zhang, Lucy Vulchanova Hart, and Ulf N.G. Arvidsson as inventors.

3. All of the named inventors executed Assignments to Neuromics Inc., the original Assignee of the above-referenced application. Copies of these Assignments are provided in Appendix A.

4. Neuromics Inc. then assigned the above-referenced application to Algos Therapeutics, Inc., the current assignee. Copies of these Assignments are provided in Appendix B.

5. None of the named inventors are employees of the original Assignee, Neuromics Inc. Neuromics Inc. no longer exists.

6. On August 26, 2004, I sent a Declaration and a postage-paid return envelope to each inventor by Federal Express ("FedEx") to their last known address. Copies of the letters are provided in Appendix C.

7. With the exception of Ulf N.G. Arvidsson, each of the named inventors executed a Declaration as required under 37 CFR §1.497(a) and (b) and returned the signed original to me.

8. Ulf N.G. Arvidsson's last known address is Gardstigen 4, Lidingo, Sweden. It was to this address that the Declaration was sent.

9. After several weeks had passed and I had not received the signed Declaration from Ulf N.G. Arvidsson, I looked at the electronic signature of the receiving party that is provided on the FedEx website. The signature did not appear to be that of Ulf N.G. Arvidsson. Unfortunately, this page was not printed and it is not available at this time. Currently, when the tracking number of the package that was sent to Ulf N.G. Arvidsson is entered into the FedEx website, the name of the receiving party is a computer-entered name and is no longer the electronic signature. The computer-entered name is Ulf N.G. Arvidsson. See Appendix D.

10. Despite the return FedEx envelope and label that was provided with the Declaration, the signed document was not returned.

11. I began diligently trying to locate Ulf N.G. Arvidsson. I also have firsthand knowledge that my assistant, Ms. Jill Huso, diligently attempted to locate Ulf N.G. Arvidsson. I have firsthand knowledge that we both attempted to find any current contact information for Ulf N.G. Arvidsson using a number of different Search Engines and Web pages on the Internet including a Google® and a Yahoo® search of 'Ulf N.G. Arvidsson'. Copies of the original search were not printed. The search was repeated recently (also without success) and copies of the first 30 hits from each of those searches are provided in Appendix E.

12. The search identified documents containing 'Ulf N.G. Arvidsson' or variations thereof. Among the documents identified in our internet search was a PCT published application in which Ulf N.G. Arvidsson is a named inventor. None of the documents identified in our search provided any updated contact informant for Ulf N.G. Arvidsson. We did not find anything that indicates where Ulf N.G. Arvidsson currently might be residing and/or employed.

13. At my request, Mr. Jeffrey Bois, Library Operations Supervisor with the Fish & Richardson Library Department, performed a search for Ulf N.G. Arvidsson. One

of Mr. Bois' searches was of the Choicepoint Public Records database. The results of those searches are attached in Appendix F. The sources used in the database are shown on pages 5 and 6 of Appendix F.

14. Results from Mr. Bois' search of the Choicepoint Public Records database indicated a St. Paul, Minnesota address for Ulf N.G. Arvidsson that was last updated in 1999.

15. Another search using the Google® search engine by Mr. Bois indicated that an Ulf Arvidsson was employed by KTH and/or the Karolinska Institute. See copies provided in Appendix G and H.

15. I personally called the number shown for Ulf Arvidsson at KTH (see Appendix G). I personally talked to an Ulf Arvidsson, who informed me that he had never lived in the United States and had never worked for Neuromics, Inc. at any time.

16. I personally called the number shown for Ulf Arvidsson at Karilinka Institute (see Appendix H). I talked to an unidentified, non-English speaking woman who, when I asked for Ulf Arvidsson, gave me a different number to call within the Karolinska Institute. I called the telephone number she provided a number of times. Each time I called, I talked to a receptionist, who paged Ulf Arvidsson. Ulf Arvidsson never answered any of the pages. Copies of these telephone records are attached in Appendix I. As these calls to Sweden were made from my home telephone, I have redacted the personal information on the telephone bill that is not relevant to my attempts to find Ulf N.G. Arvidsson and my Declaration as such.

17. In addition to the telephone calls, I sent two e-mail messages to Ulf N.G. Arvidsson's last known e-mail addresses on March 3, 2005 and March 28, 2005. The e-mail addresses were based on the search results shown in Appendix H and based on an e-mail address provided to me by the above-referenced receptionist. Copies of those e-mails are attached in Appendix J. Although I requested a reply whether or not the recipient was the individual I was looking for, I did not receive a response to either e-mail. At the time of filing this Declaration, I still have not received a response to either e-mail.

18. I have firsthand knowledge that all of my attempts to reach Ulf N.G. Arvidsson who is a named inventor on the above-referenced application were

unsuccessful. I have firsthand knowledge that the attempts by others, including Ms. Jill Huso and Mr. Jeffrey Bois, to find Ulf N.G. Arvidsson were unsuccessful.

19. As noted above, the undersigned has talked to one Ulf Arvidsson. The Ulf N.G. Arvidsson I talked to was not the Ulf N.G. Arvidsson who is a named inventor on the above-referenced application. The undersigned believes that all reasonable efforts to locate any other Ulf N.G. Arvidsson have been exhausted.

20. That all statements made of my own knowledge are true, and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patents issued thereon.

M. Angela Parsons, Ph.D.
Reg. No. 44,282

Dated: _____